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MAR 24 2004

Docket No. 1917

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: James F. McGuckin, Jr. et al

Serial No: 10/081,695

Examiner: Desanto

Filed: February 22, 2002

Art Unit: 3763

For: APPARATUS FOR DELIVERING ABLATION OF TREAT LESIONS

Commissioner For Patents  
P.O Box 1450  
Alexandria, VA 22313-1450

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MAR 29 2004

TERMINAL DISCLAIMER

Sir:

TECHNOLOGY CENTER R3700

Rex Medical, L.P., assignee of the entire right, title and interest in and to the above referenced patent application by virtue of an assignment filed on February 22, 2002 and recorded at Reel 012637, Frames 0968, hereby disclaims the term of any patent issued in this case which would otherwise extend past the expiration date of United States patent issuing from Serial No. 10/074,468, filed on February 12, 2002, and Serial No. 10/145,863 filed May 14, 2002, and agrees that any patent granted on the present application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to the aforesaid United States Patent Application Serial Nos. 10/074,468 and 10/145,863, this agreement to run with any patent granted on the present application and to be binding upon the grantee, its successors or assigns.

No disclaimer is made of any terminal part of any patent granted on the above identified application prior to the expiration date of the full statutory term of United States Patent issued from Serial Nos. 10/074,468 and 10/145,863 in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclosed in whole or terminally disclaimed under 37 C.F.R. §1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term except for the separation of legal title stated above.

This Terminal Disclaimer is signed by an attorney of record. No statement pursuant to 37 C.F.R. §3.73(b) is required in accordance with the November 16, 1993 Official Gazette (1156 O.G.) which states at page 56:

"However, the rules, as adopted, permit an attorney or agent of record to sign a Terminal Disclaimer without the need to comply with §3.73(b)."

I hereby declare that all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Please charge Deposit Account No. 501567 the sum of \$55.00 pursuant to 37 C.F.R. §1.20(d) for filing this Terminal Disclaimer. TWO (2) COPIES OF THIS SHEET ARE ATTACHED.

Please charge Deposit Account No. 501567 for any fee deficiency required by this paper. TWO (2) COPIES OF THIS SHEET ARE ATTACHED.

Respectfully Submitted,

Dated: 3/22/04

By: Neil D. Gershon

Neil D. Gershon  
Reg. No. 32,225

Rex Medical, L.P.  
2023 Summer Street  
Suite 2  
Stamford, CT. 06905